

Remarks/Arguments

Claims 1-6 are pending. Claims 1-6 stand rejected.

Claims 7 and 8 have been added to more fully claim the subject matter that applicants regard as their invention. The new claims are supported by the specification. No new matter is added.

Rejection of claims 1-4 under 35 USC 102(b) as being anticipated by Blatter et al. (US Pat No 5,754,651)(hereinafter Blatter)

Applicants submit that for at least the reasons discussed below claims 1-4 are not anticipated under 35 USC 102(b) by Blatter.

The Office Action points to Blatter col. 4, lines 44-58 to show applicants' claimed "storing items with decryption information from the stream of messages."

However, Blatter describes that non-encrypted packets are sent to the transport decoder and encrypted packets are sent to the decryption unit 50. Similarly, for programs that the user selected for storage, non-encrypted packets are sent to the transport decoder and encrypted packets are sent to the decryption unit 50 (col. 4, lines 53-58).

Blatter does not describe anything concerning decryption information, but is describing encrypted packets. Blatter is describing sending the encrypted packets to the decryption unit 50. In contrast applicants' claim 1 recites storing items with decryption information. Decryption information is different from encrypted packets.

Furthermore, the Office Action points to the same section to teach applicants' claimed "storing the stream of encrypted data." However, as pointed out above, Blatter describes "for programs that the user selected for storage, similarly non-encrypted packets are sent to the transport decoder and encrypted packets are sent to the decryption unit 50." Thus, Blatter is teaching decrypting the data by decryption unit 50 and does not describe storing the stream of encrypted data.

Applicants' claim 1 also recites: "storing synchronization information linking respective points in the stored stream of encrypted data to respective ones of the items with decryption information, the synchronization being stored so that it is retrievable independent of the stream." The Office Action points to col. 5, line 64 to col. 6, line 11 to describe the claimed features. However, Blatter is describing an adaption field in the packet header which contains timing information permitting synchronization and decoding of content packets. This is completely different from applicants' claimed synchronization information

linking respective points in the stored stream of encrypted data to respective ones of the items with decryption information.

In fact Blatter states in col. 5, lines 60-63 that the adaption information may be found in the header of decrypted packets and that the PCRs are for synchronizing and decoding content packets, whereas applicants' claims state linking respective points in the stored stream of encrypted data to respective ones of the items with decryption information. Thus the adaption information of Blatter cannot link encrypted packets to decryption information because the packets in Blatter must be decrypted in order to access the adaption information.

Furthermore, col. 6, lines 1-9 ob Blatter teaches that a packet with the timing information is diverted by unit 65 to unit 60. As shown in Figure 1, these units are downstream the decryption unit 50 and has nothing to do with linking decryption information with encrypted data.

Applicants' claim 1 also recites: "retrieving the items with decryption information for the points in said stored part during said replaying." The Office Action again points to Blatter col. 4, lines 44-58 to show applicants' claimed feature. However, again Blatter is describing encrypted data and sending the encrypted data to a decryption unit 50. Blatter fails to make any description of retrieving decryption information. Blatter also does not mention decryption information for the points in the stored part during said replaying. The replaying is recited as: "replaying a stored part of the stream of encrypted data in an abnormal temporal pattern." With regard to replaying, the Office Action appears to equate this to applying the correct CPSI which is the condensed program specific information. This is completely different from the claimed features because CPSI is not the same as encrypted data.

For at least the foregoing reasons, it is respectfully submitted Blatter fails to teach or suggest the claimed features, and therefore, cannot anticipate claim 1.

Claims 2-4 depend from claim 1 and include at least the above mentioned distinguishing features. Also each dependent claim includes further distinguishing features not found in Blatter. Thus, claims 2-4 cannot be anticipated by Blatter and the rejection should be withdrawn.

Rejection of claims 5 and 6 under 35 USC 103(a) as being unpatentable over Blatter

Claim 5 and 6 depend from claim 1 and include at least the above mentioned distinguishing features which are not taught or suggested by Blatter. The rejection of claims 5 and 6 does not provide any additional details as to the elements missing in Blatter with

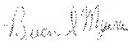
regard to claim 1. Additionally, each of claims 5 and 6 include features not found or suggested in Blatter, therefore, Applicants submit claims 5 and 6 are patentably distinguishable over the teachings of Blatter.

In addition, as admitted in the Office Action, Blatter fails to teach each of the claimed features in claims 5 and 6. The Office Action states such features would have been obvious to one skilled in the art. Applicants respectfully disagree that a prima facie case of obviousness has been met according to the requirements of the MPEP 2144.03 and because there is no suggestion anywhere in Blatter of the desirability to modify the invention of Blatter and arrive at applicants' claimed invention. The only such suggestion provided has been from applicant's own disclosure. The Office Action only recites that it is "well-known" without providing any reference to judge this assertion by. It is respectfully requested that if this rejection is maintained, a reference be provided showing such features and providing motivation for such a combination.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are solicited. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,



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